

DATE: November 14, 2012  
 LOCATION: Sherman, TX  
 JUDGE: Marcia Crone by VIDEO  
 DEP. CLERK: Sammie Hedges  
 RPTR/ECRO: Tonya Jackson by video  
 USPO: Pat Cressman  
 INTERPRETER:

CASE NO: 4: 11 cr79 (18)  
 USA VS. Heriberto Franco  
 Ernest Gonzalez Assigned  
 “ ” Appeared  
 Jeffrey Grass  
 Attorney for Defendant

BEGIN: 10:41 am ADJOURN: 10:58 am

SENTENCING MINUTES

✖ Sentencing called / held ✖ Court adopts PSR in its entirety Court DEPARTS from the guidelines	Objections (PSR) by <u>Def</u> - Overruled  Government's Motion for 5K1.1 GRANTED
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CT	CUSTODY	CC/CS	w/CT	FINE	REST	SP/ASS	PROB	SUP/REL	CC/CS w/CT	FED BENEFITS
2 ss	121 months			waived		\$100		2 year(s)		years

BOP RECOMMENDATIONS:

✖ Dft be designated to: <b>FCI, Bastrop</b> , TX	✖ Dft participate in <b>Substance Abuse Treatment Program</b>
Dft participate in the <b>Inmate Financial Responsibility Program</b>	✖ Dft participate in <b>Mental Health Treatment Program</b>

SPECIAL CONDITIONS – THE DEFENDANT SHALL:

✖ <b>WITHIN 72 HOURS</b> of release from BOP, <b>REPORT in person</b> to the probation office in the district to which the dft is released.	
✖ <b>NOT COMMIT</b> another federal, state or local crime & <b>COMPLY w/Standard Conditions</b> of release & the following additional conditions.	
✖ <b>NOT possess a FIREARM</b> or other destructive device.	
✖ <b>PAY</b> any <b>FINANCIAL PENALTY</b> that is imposed by this judgment & remains unpaid at the commencement of SUP/REL	
✖ <b>SUBMIT to DRUG TEST</b> w/n 15 days of release	Court suspends mandatory drug testing.
✖ Cooperate in collection of <b>DNA</b> as directed by Probation	Be <b>SURRENDERED to INS</b> for deportation proceeding.
✖ <b>Provide</b> the probation officer with access to any requested <b>FINANCIAL INFORMATION</b> .	
✖ Participate in a <b>Program</b> of testing and treatment for <b>DRUG abuse</b>	
✖ Participate in a combination of <b>psychiatric, psychological, or mental health treatment</b> deemed appropriate by treatment provider.	
Shall not incur new credit charges or open additional lines of credit without approval of probation officer	
✖ Shall not participate in any form of gambling and shall participate in treatment that will address his gambling addiction.	
Shall obtain a GED while on supervised release	
Shall pay delinquent child support at no less than ten percent of his gross monthly income or any amount determined by the Arkansas Division of child Support Enforcement Office, if that agency has an active plan to collect this money.	
<b>FORFEIT</b> to the USA interest in property listed in Plea Agreement	
✖ Dft <b>REMANDED</b> to the USM.	X <b>Presentence Report Sealed.</b>
	X <b>Minutes filed</b>
	<b>Exhibit</b> list filed
	<b>Witness</b> list filed.
	See reverse/attached for additional proceedings
Dft failed to appear	Ord/Arrest Warrant
BND forfeited.	
✖ <b>REMAINING</b> Counts <b>dismissed</b> on Govt's Motion	
✖ Dft advised of <b>right to appeal</b> & court appointed counsel	

**FILED: November 14, 2012**  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF TEXAS  
 DAVID J. MALAND, CLERK